

Clean Air Act Background

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Topics Presented:

- What is a State Implementation Plan
- Clean Air Act of 1977 (PSD/Visibility)
- EPA 1980 Visibility Rules
- Developments during the 1980's
- Clean Air Act of 1990 (Regional Haze)

What is a SIP?

- State Implementation Plan for Clean Air Act. Required under CAA Section 110.
- Describes plans and strategies state will use to attain and maintain National Ambient Air Quality Standards
- SIPs refer to state rules and regulations and other enforceable measures

SIP vs. SIP Revision

- SIP revisions are submitted after the initial SIP.
- SIP revisions focus on a particular issue (e.g., an ozone non-attainment area)
- CAA defines public rule making process
- State does rulemaking / submits to EPA
- EPA processes - Federal Register (FR) proposal, accept comments, approve)

SIP Federal Enforceability

- After approval SIP provisions are federally enforceable (state fails to act)
- EPA must propose/implement a Federal Implementation Plan (FIP) if state fails to submit SIP as required under CAA
- Under a FIP, EPA has sole jurisdiction for the air quality issue in effected state

Clean Air Act (CAA) of 1977

- Established program to prevent significant deterioration of air quality (review of controls for new sources)
- Established program for visibility protection for the mandatory class I Federal areas (larger national parks and wilderness)

CAA 1977 Section 169A

- Established Visibility Protection Program (40USC7491)
- Set National Goal: Remedy any existing and prevent any future impairment of visibility from man-made emissions in mandatory class I Federal areas (no deadline to achieve goal)
- Best Available Retrofit Technology

CAA 1977 Section 169A (Cont)

- SIPs must include provisions to make Reasonable Progress (RP) toward the national goal.
- For RP, states must consider the:
 - Costs of compliance
 - Time necessary for compliance
 - Energy & non-air quality env. Impacts, and,
 - Remaining useful life of affected sources

CAA 1977 Section 169A (Cont)

- Best Available Retrofit Technology (BART) emission limits required for major stationary sources if:
 - It causes attributable visibility impairment
 - It is less than 15 years old on 8/7/77
 - It is one of 27 specific source types, and,
 - It is a source with a potential to emit more than 250 tons per day of any pollutant

CAA 1977 Section 169A (Cont)

- BART is a source emission limit. It must be implemented within 5 years after set.
- With BART, states must consider the:
 - Costs of compliance
 - Energy & non-air quality env. impacts
 - Remaining useful life of source
 - Existing pollution controls in place, and,
 - Degree of visibility improvement of controls

Comparison: RP vs BART

Mandatory 169A Criteria	RP	BART
Costs of compliance	Yes	Yes
Time necessary for compliance	Yes	<u>No</u>
Energy & non air qual. impacts	Yes	Yes
Remaining useful life of source	Yes	Yes
Existing pollution controls	<u>No</u>	Yes
Degree of visibility improvement	<u>No</u>	Yes

EPA 1980 Visibility Rules

- Established requirements for states with mandatory class I Federal areas (45 FR 80089, Dec. 2, 1980)
- Few states submitted SIPs (Utah did)
- EPA issued a FIP for all other states and took jurisdiction away from states for visibility protection

EPA 1980 Visibility Rules (Cont)

- Requirements in 40 CFR 51.300-307
 - 300: Purpose and applicability
 - 301: Definitions
 - 302: Implementation control strategies
 - 303: Exemptions from control (BART)
 - 304: Identification of integral vistas
 - 305: Monitoring
 - 306: Long-term strategy
 - 307: New source review

Developments in the 1980's

- Source attribution studies for a few large utility sources (e.g. Navajo)
- Note: No BART emission limits have ever been finalized. Controls under consent decrees, etc., have been installed or planned
- Utah made some progress to address “regional haze” in 1980's (Bangerter)

CAA 1990 Section 169B

- Congress Established Regional Haze Program (42USC7492)
 - Gave EPA Authority to establish visibility transport commissions
 - Gave EPA Authority to promulgate 169A regulations to address regional haze
 - Required EPA to establish a visibility transport commission for the Grand Canyon National Park

CAA 1990 Section 169B (Cont.)

- Defined duties of Transport Commission
 - Assess Scientific/Technical Data/Studies
 - Within Four Years, issue a report to EPA on what actions, if any, are needed
 - Must address whether clean-air corridors exist, and if so, whether non-attainment new source review (emission offsets, etc.) are needed in the clean-air corridor

CAA 1990 Section 169B (Cont.)

- Required EPA to propose regulations to address regional haze within 18 months after receiving a report from a visibility transport commission.
- Required states/tribes to develop SIP/TIP revisions to address regional haze requirements within 12 months after EPA regulations finalized.

Delicate Arch, Arches National Park

